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10 Attorney for Defendant
11 MICHAEL MORROW

12
13 IN THE UNITED STATES DISTRICT COURT
14 FOR THE EASTERN DISTRICT OF CALIFORNIA

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17 UNITED STATES OF AMERICA,) NO. 2:22-mj-00070-AC-1
18 Plaintiff,) WAIVER OF APPEARANCE
19 v.)
20 MICHAEL MORROW) DATE: May 8, 2023
21 Defendant.) TIME: 9:00 AM
22) JUDGE: ALLISON CLAIRE
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17 Pursuant to Rule 43(b)(2) of the Federal Rules of Criminal Procedure, defendant,
18 MICHAEL MORROW, hereby waives the right to be present in person in open court upon the
19 hearing of any motion or other proceeding in this case, including, but not limited to, post-
20 conviction hearings regarding his progress on probation.

21 Defendant hereby requests the Court to proceed during every absence which the Court
22 may permit to this waiver; agrees that defendant's interests will be deemed represented at all
23 times by the presence of the defendant's attorney, the same as if the defendant were personally
24 present.

25 With regard to the hearing on May 8, 2023, Mr. Morrow has been highly motivated to
26 complete the terms of his sentence and has made significant progress on his 40 hours of
27 community service. As of today, May 3, 2023, Mr. Morrow has completed 28 hours of
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1 community service at a location that was approved of by Assistant United States Attorney Alstyn
2 Bennett on February 7, 2023. This location is the Humane Society of Truckee-Tahoe which is a
3 non-profit animal services shelter. Mr. Morrow has done whatever he has been asked to do at the
4 shelter including cleaning it up and helping to maintain the premises.

5 Mr. Morrow has gone in to do his community service hours now 9 days in a row every
6 morning beginning on April 25, 2023, through and including today. He has done 3 hours on each
7 of those days, and he also completed 1 hour on April 10, 2023, as part of the organization's
8 orientation for a total of 28 hours. Mr. Morrow's progress has been confirmed with his
9 supervisors Alison Herzog, the Animal Shelter Manager, and Erin Ellis, the Community
10 Engagement Director for the shelter. The contact information for both of his supervisors has
11 been sent to Assistant United States Attorney Alstyn Bennett for her confirmation.

12 His supervisors have confirmed that he is on track to finish all 40 hours by his next court
13 date on May 8, 2023, and before the date he is required to complete his community service by of
14 May 15, 2023, by doing 3 hours every morning through Sunday May 7, 2023. Mr. Morrow has
15 stated that he is very motivated to finish and will complete his final 12 hours in these next 4
16 days.

17 As to the \$40 in fees that were assessed as part of his sentence Mr. Morrow has sent a
18 check of \$40 to the clerk's office. The clerk's office has confirmed they received the check on
19 May 1, 2023, and are just waiting for the financial department's confirmation that it has gone
20 through. Mr. Morrow has stayed out of trouble while serving his probation and has found
21 consistent employment in construction in Sierra County. Mr. Morrow has also had his California
22 Driver's License reinstated while serving his probation.

23 Mr. Morrow lives more than 2 and a half hours away from the courthouse in Sierra
24 County. It has been snowing there this week making the drive to Sacramento dangerous. Mr.
25 Morrow's sole means of transportation is an old truck that has been having mechanical issues
26 and which he has only been able to use for driving to places nearby such as his community
27 service in Truckee and his employment in Sierra County. For the above stated reasons, the
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1 defense respectfully requests Mr. Morrow right to be physically present in person in open court
2 upon the hearing of any motion or other proceeding in this case be waived.
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6 Dated: 05/03/2023
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/s/ Michael Morrow
MICHAEL MORROW

10 I agree and consent to my Client's waiver of appearance.
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12 Dated: 05/03/2023
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/s/ Linda C. Harter
LINDA C. HARTER
Assistant Federal Defender
Attorney for Defendant
MICHAEL MORROW

15 IT IS SO ORDERED.
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Dated: May 5, 2023


ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE